

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

Filed 1-17-12Clerk, U. S. District Court
Western District of TexasBy CC

Deputy

United States of America)

v.)

EDWARD MULLEN (1))

DENNIS STANLEY (2))

Case No. SA-12-35M

Defendant(s)

CRIMINAL COMPLAINT

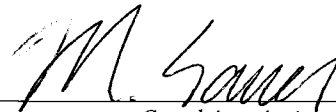
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 15, 2012 in the county of Atascosa in the
Western District of Texas, the defendant(s) violated:*Code Section*Sections 21 United States Code
Sections 963, 841(a)(1) and 841(b)
(1)(B)(vii)*Offense Description*Conspiracy to Possess with Intent to Distribute 100 kilograms or more of
marijuana, a Schedule I Controlled Substance.

This criminal complaint is based on these facts:

SEE ATTACHED SHEET

Note: The punishment range for the charged offense is 5-40 years imprisonment, with a 5 year minimum mandatory term, at least 4 years supervised release, and up to a \$5,000,000.00 fine.

☒ Continued on the attached sheet.

Complainant's signature

AGENT MARCUS SAUER, TXDPS-CID

Printed name and title

Sworn to before me and signed in my presence.

Date: 1/17/12

Judge's signature

City and state: San Antonio, Texas

HON. PAMELA A. MATHY, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, MARCUS SAUER, am an Agent with the Texas Department of Public Safety, Criminal Investigations Division (TxDPS-CID). I have been an Agent with the TxDPS-CID for approximately nine years. In my capacity as a Texas DPS-CID Agent, I came to investigate EDWARD MULLEN (hereinafter "MULLEN") (DOB 09-04-1942); and DENNIS STANLEY (hereinafter "STANLEY") (DOB 11-03-1975). In the course of my investigation, I became aware of the following facts:


On 1/14/2011 Trooper Kyle Harriman conducted a traffic stop on a Chevrolet 3500 pickup pulling a two horse trailer, with two horses inside, traveling on IH 37 southbound in Atascosa County, and within the Western District of Texas. Trooper Cody Wallace assisted Trooper Harriman with the traffic stop and identified the driver by his Arkansas DL as EDWARD MULLEN. During the stop, MULLEN said that he was coming from Arkansas and going to McAllen, Texas to drop off the Chevy 3500 pickup license number TX BE66895, and to sell the horses and the trailer to the owner of the Chevy 3500 pickup. MULLEN stated that he did not know the name of owner of the Chevy 3500 pickup, and that MULLEN did not know exactly where MULLEN was going, or how MULLEN was going to contact the owner of the Chevy 3500 pickup when MULLEN arrived in McAllen. MULLEN stated MULLEN was going to get back home by riding with MULLEN's friend, STANLEY, who was driving up ahead in MULLEN's Dodge Durango, Arkansas license plate 009LRY. Trooper Wallace ran MULLEN through El Paso Information Center and the Texas Fusion Center and learned that MULLEN had previously been arrested in South Texas in 2002 with marijuana inside a false compartment inside of a horse trailer. MULLEN said that the owner of the Chevrolet 3500 pickup dropped the Chevrolet 3500 pickup off at MULLEN's shop in Arkansas. MULLEN displayed several signs of nervousness and deception such as shaking hands, hard breathing, and stuttering speech. MULLEN gave Trooper Wallace the phone number to STANLEY and Trooper Wallace called STANLEY and asked STANLEY to come back to the location of the traffic stop. STANLEY arrived on location and Trooper Wallace asked STANLEY where STANLEY and MULLEN were going. STANLEY stated that STANLEY did not know where they were going and STANLEY was helping out MULLEN and STANLEY was getting paid ten dollars an hour. STANLEY said they were taking the Chevy 3500 pickup, the trailer and horses down south. Trooper Wallace noted that STANLEY did not appear to be nervous. Trooper Wallace and Trooper Harriman received verbal consent to search both vehicles and trailer, and no contraband was located during the search.

On 1/15/12 at approximately 10:40 am Trooper Wallace was on routine patrol and noticed the Dodge Durango (AR 009LRY) was traveling northbound on IH 37, and that the Dodge Durango was traveling over the speed limit. Trooper Wallace conducted a traffic stop on the Dodge Durango (AR 009LRY) and noticed that MULLEN was by himself. Trooper Wallace noticed MULLEN was again displaying signs of nervousness including shaking hands, hard breathing, and stuttering speech. Trooper Wallace then noticed the Chevy 3500 pickup (BE66895) pass Trooper Wallace on IH 37 at mile marker 98 in Atascosa County, Texas, and within the Western District of Texas, and that the Chevy 3500 pickup was pulling a different horse trailer with STANLEY driving. Trooper Wallace asked MULLEN where STANLEY was, and

MULLEN said that STANLEY took a plane back home. Trooper Wallace then let MULLEN go and followed the pickup. Trooper Wallace then conducted a traffic stop on the Chevy 3500 pickup and Featherlite horse trailer Texas license DMY-DS1 after he observed the vehicle following too closely and that the trailer had a defective brake lamp. When Trooper Wallace made contact with STANLEY Trooper Wallace noticed that the same two horses were inside of the trailer but that it was a different trailer. Trooper Wallace talked to STANLEY and STANLEY said that he stayed in Best Western on 1/14/12 south of the Border Patrol check point, and that STANLEY was going to Texarkana to drop off the Chevy 3500 pickup, the Featherlite horse trailer (DMYDS1) and the horses at a ranch. Trooper Wallace noted that was a different story from what STANLEY or MULLEN said the day prior. On this occasion, STANLEY was visibly shaking and appeared to be so nervous that Trooper Wallace believed STANLEY to be close to passing out. Trooper Wallace asked for and received verbal consent to search the vehicle from STANLEY. Trooper Wallace went into the tack room of the Featherlite horse trailer and noticed fresh wet silicone on the wall that separates the tack room from the horses. Trooper Wallace then drilled a hole in the wall using a drill and a drill bit and when Trooper Wallace removed the drill bit from the wall, a green leafy substance that exhibited the qualities of marijuana was on the drill bit. Trooper Wallace placed STANLEY into custody and requested through Trooper Wallace's dispatcher for other officers to look for MULLEN and the Dodge Durango. Trooper Fred Ogden located MULLEN's Dodge Durango at a gas station near the traffic stop and detained MULLEN.

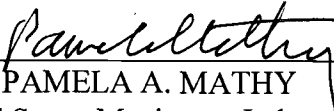
Trooper Wallace had the vehicles towed to a wrecker yard and Agent Sauer arrived on scene. Agent Sauer witnessed the removal of the front wall of the hidden compartment and observed 48 vacuum sealed, gray colored packages containing a green leafy material consistent with the properties of marijuana inside the hidden compartment in the Featherlite horse trailer. Troopers Wallace and Harriman weighed the 48 vacuum sealed gray colored packages and found them to weigh approximately 524.8 kilograms. This is an amount consistent with distribution.

FURTHER AFFIANT SAITH NOT.


Agent MARCUS SAUER, TxDPS-CID

SWORN TO BEFORE THE UNDERSIGNED IN MY PRESENCE:

1/17/2012
DATE


HON. PAMELA A. MATHY
United States Magistrate Judge